

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
ABRAHAM ADENIYI,	:	
	:	21 Cr. 159 (ER)
Defendant.	:	
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WHEREAS, on or about March 18, 2021, ABRAHAM ADENIYI (the “Defendant”) was charged in a two-count Indictment, 21 Cr. 159 (ER) (the “Indictment”), with conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count One); and conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the offense charged in Count One of the Indictment, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in the offense charged in Count One of the Indictment;

WHEREAS, on or about December 20, 2022, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit, pursuant to Title 18, United States Code, Section 982(a)(1), a sum of money equal to \$7,814,294.56 in United States currency representing the property involved in the offense charged in Count One of the Indictment;

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the property involved in the offense charged in Count One of the Indictment cannot be located upon the exercise of due diligence;

WHEREAS, the Defendant consents to the entry of the money judgment in the amount of \$7,814,294.56 in United States currency representing property involved in the offense charged in Count One of the Indictment (the "Money Judgment") for which the Defendant is jointly and severally liable with any co-conspirator ("Co-Conspirator") for the conduct charged in Count One of the Indictment, to the extent forfeiture money judgment is ultimately entered against any Co-Conspirator; and

WHEREAS, the Government agrees to accept a payment of \$500,000, pursuant to the schedule and terms and conditions set forth below, in full satisfaction of the Money Judgment.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Anden Chow, of counsel, and the Defendant, and his counsel, Michael T. Cornacchia, Esq. and Carla Sanderson, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, the Money Judgment in the amount of \$7,814,294.56 in United States currency, representing the property involved in the offense charged in Count One of the Indictment for which the Defendant is jointly and severally liable with any Co-Conspirator, to the extent forfeiture money judgment is ultimately entered against any Co-Conspirator, shall be entered against the Defendant.

2. The Money Judgment shall be deemed to be satisfied in full if the Defendant remits payment in the amount of \$500,000 (the “Payment”), to the United States according to the following schedule:

a. At least \$200,000 shall be remitted to the United States on or before the date of the Defendant’s sentencing in this matter;

b. Any balance of the Payment that was not remitted to the United States in accordance with Paragraph 2(a) of this Order shall be remitted to the United States within twenty-four months of the date of the Defendant’s sentencing proceeding (the “Payment Period”);

c. During the pendency of the Payment Period, the Defendant will cause a lien to be filed in favor of the United States in the amount of \$500,000 (the “Lien”) against the real property located at 2136 Leafmore Court SE, Grayson, Georgia (the “Leafmore Court Property”) and such encumbrance shall remain in place for the entirety of the Payment Period;

d. During the pendency of the Payment Period, as long as the scheduled payments are made as set forth above, the Government shall not seek to satisfy the Money Judgment pursuant to Title 18, United States Code, Section 853(p);

e. Upon receipt of the Payment, the Government shall provide the Defendant with a Satisfaction of the Money Judgment and will execute any documents necessary to remove the Lien on the Leafmore Court Property;

f. In the event that the Defendant fails to make the Payment on or before the expiration of the Payment Period, the entire Money Judgment shall be due and owing and nothing in the foregoing shall limit the United States’ ability to proceed against any assets of the Defendant to satisfy the Money Judgment, pursuant to Title 21, United States Code, Section 853(p), including, but not limited to the Leafmore Court Property. Further, the Defendant agrees

that, in the event that a total of \$500,000 is not remitted to the United States on or before the expiration of the Payment Period, the Defendant agrees not to contest forfeiture of the Leafmore Court Property and the proceeds of the sale by the United States of the Leafmore Court Property shall be applied in partial satisfaction of the Money Judgment.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, shall be deemed part of the sentence of the Defendant and will be included in the judgment of conviction therewith.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the “United States Marshals Service”, and delivered by overnight mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit , One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

5. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate

or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

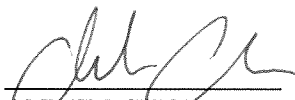
8. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

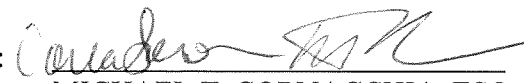
DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 
ANDEN CHOW
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007

12/20/22
DATE

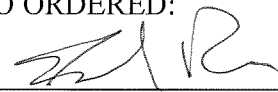
By: 
ABRAHAM ADENIYI

12/20/22
DATE

By: 
MICHAEL T. CORNACCHIA, ESQ.
CARLA SANDERSON, ESQ.
Attorneys for Defendant

12/20/22
DATE

SO ORDERED:


HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE

12/20/2022
DATE